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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: JORGENSEN, Kent et al. Conf. No.: 3281
Appl. No.: 09/781,893 Group: 1615
Filed: February 9, 2001 Examiner: G.S. KISHORE
For: LIPID-BASED DRUG DELIVERY SYSTEMS
CONTAINING PHOSPHOLIPASE A2 DEGRADABLE
LIPID DERIVATIVES AND THE THERAPEUTIC
USES THEREOF

#6
0498
7-6-02

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

June 24, 2002

Sir:

Responsive to the Office Action dated April 23, 2002, the due date for response having been extended one (1) month, the following election and remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Claims 1-56 are now pending in the present application.

The Examiner has given the following Restriction Requirement:

Group I, claims 1-47 and 52-56, drawn to drug delivery compositions and methods of use; and

Group II, claims 48-51, drawn to a lipid of the formula in claim 48.

In response to this requirement, Applicants hereby elect Group I, claims 1-47 and 52-56, drawn to drug delivery compositions and methods of use. This election is with traverse.

The Examiner has also issued an Election of Species Requirement between the following species in Group I;

Species A: drug delivery composition and method in claims 1-24;

Species B: drug delivery composition and method in claims 25-47;

Species C: drug delivery composition and method in claims 52-56;

Species D: where X and Z are O;

Species E: where X and Z are CH₂;

Species F: where X and Z are NH and Nme;

Species G: where X and Z are S; and

Species H: where X and Z are S(O), S(O)₂.

In response to this Election of Species Requirement, Applicant hereby elects Species A, the drug delivery composition and method in claims 1-24. Claims 1-24 should read on this elected species. This election is with traverse.

It is respectfully submitted that it should be no undue burden on the Examiner to consider all claims in the single application. Accordingly, reconsideration and withdrawal of this Restriction Requirement are respectfully requested. Moreover, because at least

generic claim 1 should be in condition for allowance, this Election of Species Requirement should also be overcome and withdrawn.

In the event that the Examiner persists in this requirement, Applicants reserve the right to file a Divisional application at a later time, if so desired.

In view of the foregoing amendments and remarks, favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event there are any outstanding matters remaining in this application, the Examiner is invited to contact the undersigned (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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KM/asc
2081-0113P

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